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Letter dated 10 March 2004 from the Chairman of the Security Council Committee established pursuant to resolution 1373 (2001) concerning counter-terrorism addressed to the President of the Security Council

I write with reference to my letter of 28 January 2004 (S/2004/91). The Counter-Terrorism Committee has received the attached fourth report from Guatemala submitted pursuant to paragraph 6 of resolution 1373 (2001) (see annex). I would be grateful if you could arrange for the present letter and its annex to be circulated as a document of the Security Council.

(*Signed*) Inocencio F. **Arias**
Chairman
Security Council Committee established pursuant to
resolution 1373 (2001) concerning counter-terrorism

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Annex

[Original: Spanish]

Letter dated 10 March 2004 from the Permanent Representative of Guatemala to the United Nations addressed to the Chairman of the Counter-Terrorism Committee

I am writing in response to your letter dated 16 January 2004 concerning the questions and comments made on the supplementary report submitted by the Government of Guatemala in accordance with paragraph 6 of resolution 1373 (2001). In this regard, I am pleased to transmit to your Committee the fourth report on measures taken by the Government of Guatemala in order to fulfil the commitments made in the aforementioned resolution (see enclosure).

Please note that, in order to meet the deadline for its submission set by the Committee, this report does not cover paragraphs 1.5 and 1.10. As soon as the competent authorities of Guatemala have agreed on matters concerning those provisions, we will transmit the respective replies.

(*Signed*) Gert **Rosenthal**
Ambassador
Permanent Representative

Enclosure

Fourth report of Guatemala pursuant to United Nations Security Council resolution 1373 (2001)

1. Implementation measures

Effectiveness in the protection of the financial system

1.1 Regarding subparagraph 1 (a) of the resolution, the CTC would be grateful for an outline of the draft Act for the prevention and suppression of the financing of terrorism which, according to the third report (page 9), is ready to be submitted to Congress. The CTC would further be grateful to receive an outline and progress report on the enactment of the draft act that, according to the third report (pages 5 and 6), will specifically deal with counter-terrorism.

Reply of the Government of Guatemala

This draft has already been submitted to the Congress of the Republic, where it was introduced in the Plenary on 8 April 2003 and referred to the Public Finance and Currency Committee, which issued a favourable ruling on its content. Currently, the draft Act is pending discussion on third reading, and it is hoped that it can be adopted during the current legislative session.

The draft Act for the prevention and suppression of the financing of terrorism contains the following provisions:

(a) Chapter I covers the purpose of the Act (art. 1), establishing the offence of financing of terrorism as a crime against humanity. Furthermore, it provides a broad definition of what is understood by terrorism for purposes of the Act (art. 2);

(b) Chapter II describes the offences of financing of terrorism and smuggling of funds in cash, establishing penalties commensurate with the seriousness of those acts, for both natural and legal persons. Additionally, special aggravating circumstances are established for public employees and civil servants committing those offences and the rules for confiscation of property are established;

(c) Chapter III provides that the procedures and precautionary measures shall be governed by the provisions of the Act against the Laundering of Money or Other Assets, Decree No. 67-2001 of the Congress of the Republic. It continues to allow the immediate freezing of assets, giving special authorization to the Ministry of Finance;

(d) Chapter IV contains provisions on extradition, refugee status and asylum, subject to constitutional principles and the international treaties Guatemala has signed and is signing in this area;

(e) Chapter V covers a regime for mandated persons in accordance with the provisions of the Act against the Laundering of Money and Other Assets and its Regulation, in its original version. The draft establishes a special regime for individuals (real estate agents, notaries, public accountants and auditors, among others) who might be vulnerable to being used in the financing of terrorism, who are solely required to transmit information pursuant to a legal request. This chapter also

expands the scope of action of the Banking Commission's Special Inspectorate, indicating that it shall be the body with responsibility for administrative supervision of the observance of the law, and to this effect it is given the same authorizations, functions and attributes as are conferred on it by the regulations against laundering of money or other assets;

(f) Chapter VI establishes the procedures in the area of international cooperation, both legal and administrative, aligning them with those already established in the regulations against laundering of money or other assets;

(g) Finally, Chapter VII contains transitional and final provisions, including the establishment of corresponding regulations as proposed by the Banking Commission.

1.2 Effective implementation of subparagraphs 3 (d) and (e) requires States to accede to and fully implement conventions and protocols related to terrorism. Guatemala state in its third report (page 5) that it has ratified the International Convention for the Suppression of the Financing of Terrorism and therefore recognizes it as law. In order effectively to implement many of the twelve conventions and protocols relating to terrorism, including the International Convention for the Suppression of the Financing of Terrorism of 1999, in addition to becoming a Party, a State may need to enact specific domestic legislation. This is usually necessary even in legal systems that place treaty law in a superior position to domestic law, because certain requirements of these conventions and protocols cannot be fulfilled without the enactment of the necessary domestic legislation. The CTC would, therefore, be grateful for an indication of the steps that Guatemala intends to take in this regard.

Reply of the Government of Guatemala

The draft Act for the Prevention and Suppression of the Financing of Terrorism, mentioned above, has as its objective the implementation of the provisions of the International Convention for the Suppression of the Financing of Terrorism, in accordance with domestic law, mainly with regard to:

(a) Definition of the crime of financing of terrorism (articles 2 and 4 of the Convention; covered in article 4 of the draft Act);

(b) Liability of legal entities (article 5 of the Convention, covered in article 7 of the draft);

(c) Exclusion of circumstantial justifications (article 6 of the Convention, covered in article 6 of the draft Act);

(d) Measures for the seizure and confiscation of assets (article 8 of the Convention, covered in articles 9, 10 and 12 of the draft Act and articles 11 and 12 of the Act against the Laundering of Money or Other Assets, Decree No. 67-2001 of the Congress of the Republic);

(e) Extradition (articles 9 and 11 of the Convention, covered in articles 13 and 14 of the draft Act; and article 27 of the Political Constitution of the Republic);

(f) Mutual legal assistance (articles 12 to 15 of the Convention, covered in article 21 of the draft Act);

(g) Transfer of persons (article 16 of the Convention, covered in article 22 of the draft Act);

(h) Prevention measures in the financial system (article 18 of the Convention, covered in articles 15, 16 and 17 of the draft Act, and articles 20, 21, 22, 23, 24, 26, 27, 28, 29 and 30 of the Act against the Laundering of Money or Other Assets, Decree No. 67-2001 of the Congress of the Republic);

(i) Measures concerning the cross-border transportation of cash (article 18, paragraph 2 (b) of the Convention, covered in article 25 of the Act against the Laundering of Money or Other Assets, and article 8 of the draft Act);

(j) Exchange of information (article 18, paragraph 3 of the Convention, covered in articles 21 and 23 of the draft Act).

It is important to indicate that the draft Act is also aimed at the implementation of United Nations Security Council resolution 1373 (2001) and the eight special recommendations of the FATF on Financing of Terrorism.

1.3 Effective implementation of subparagraph 1 (a) of the resolution requires States, inter alia, to impose an obligation on banks, financial institutions and other financial intermediaries to report suspicious transactions to the relevant authorities. Guatemala stated in its third report (page 4) that articles 18 and 26 of the Act against Laundering of Money or Other Assets, Decree No. 67-2001, govern the obligation imposed on banks and financial institutions to report unusual and suspicious transactions to the Controller of Banks. The CTC would be grateful to know what steps Guatemala intends on taking in order to impose the obligation to report suspicious transactions to other financial intermediaries.

Reply of the Government of Guatemala

Articles 18 and 26 of the Act against the Laundering of Money or Other Assets govern the obligation of banks and financial institutions to report suspicious transactions. However, the persons under that obligation are not restricted to the aforementioned sectors, in accordance with the provisions of article 18, mentioned above, which states:

> "Article 18. Mandated persons. For the purposes of this Act, the following are considered to be mandated persons:
>
> (1) Entities subject to monitoring and inspection by the Banking Commission;
>
> (2) Natural or legal persons engaged in brokerage or intermediary activities in the negotiation of securities;
>
> (3) Entities which issue and operate credit cards;
>
> (4) Offshore entities operating in Guatemala, defined as entities engaged in intermediary financial activities which are constituted or registered under the laws of another country, and which carry on business primarily outside its jurisdiction;
>
> (5) Natural or legal persons carrying out any of the following activities:
>
> (a) Regular or substantial cheque encashment operation;

(b) Regular or substantial issuing, sale or purchasing of travellers' cheques or money orders;

(c) Regular or substantial transfers of funds and/or mobilization of capital;

(d) Factoring;

(e) Financial leasing;

(f) Foreign exchange dealing;

(g) Any other activity which by the nature of the operations concerned can be used to launder money or other assets, as established in the regulations."

It is important to note that article 18, subparagraph 5 (g) permits the inclusion in the category of mandated persons of natural or legal persons who conduct any activity which, by the nature of the operations concerned, can be used to launder money or other assets, which may be given effect through the issuance of a governmental decision by the President of the Republic. This mechanism, which was approved under Governmental Decision No. 438-2002 of 11 November 2002, was implemented to include savings and credit cooperatives as new mandated persons.

Article 15 of the draft Act for the Prevention and Punishment of the Financing of Terrorism establishes the same list of mandated persons as that contained in article 18 above. Article 15 of the draft Act states:

"Article 15. Mandated persons regime. The same persons established as being mandated persons in the Act against the Laundering of Money or Other Assets, its Regulations and other provisions on the matter shall also be considered mandated persons for the purposes of this Act. To that effect, the same regime of duties, obligations, know-the-customer policies and restrictions shall be applicable to them as the one established in that Act.

The mandated persons referred to in this Act, which have been registered as such, have mandated appointed compliance officers and have drawn up registers of clients and employees in accordance with the legislation against the laundering of money or other assets, shall simply extend the measures of control, prevention and other requirements established in that legislation to include the prevention of the financing of terrorism.

The compliance officers designated by the mandated persons in conformity with the legislation against the laundering of money or other assets shall extend their duties and responsibilities to include the observance of the legislation against financing of terrorism.

The use of the fines imposed through the implementation of this Act or other applicable provisions shall be governed by the legislation against the laundering of money or other assets."

Article 16 of the draft Act governs the reporting of suspicious transactions relating to financing of terrorism. This article states:

"Article 16. Reporting of suspicious transactions. Mandated persons shall report promptly and with due diligence to the Banking Commission, through the Special Inspectorate, any transaction which has no apparent lawful

purpose, or when there is suspicion or reasonable grounds to suspect that funds are linked to or can be used to finance terrorism.

To this end, mandated persons shall apply the procedures established for that purpose in the Regulations governing this Act, and in their absence, the legislation against laundering of money or other assets, including with respect to the registration of unusual transactions not reported to the competent authorities."

1.4 Regarding subparagraph 1 (a) of the resolution, the third report from Guatemala (page 4) indicated that the Special Audit Office (the Financial Analysis Unit) has introduced forms which are used by banks and financial institutions to identify persons who register transactions in excess of US$ 10,000, and to report unusual or suspicious transactions. The CTC would be grateful to receive information on whether the Special Audit Office (Financial Analysis Unit) or another competent authority has jurisdiction to impose sanctions or penalties for failure to comply with the reporting obligations.

Reply of the Government of Guatemala

The Banking Commission through the Special Inspectorate (Financial Analysis Unit), in observance of articles 21, 24 and 26 of the Act against the Laundering of Money or Other Assets, introduced forms to be used by mandated persons. In the case of failure to meet the requirements laid down by the legislation, the Banking Commission, through the Special Inspectorate, has the authority to impose administrative penalties in the form of fines ranging between US$ 10,000 and $50,000, commensurate with the gravity of the offence.

Article 31 of the Act reads:

"Article 31. Procedure and penalties. The mandated persons referred to in article 18 of this Act shall be answerable for failure to comply with the obligations imposed by it, and shall be punished by the competent administrative authority with a fine of between US$ 10,000 and US$ 50,000 or its equivalent in national currency, depending on the gravity of the act. They shall also be bound to comply with the unsatisfied obligation giving rise to the penalty within the time limit set by the competent authority, and without prejudice to any criminal responsibility incurred."

In addition, articles 32 and 33 of the Regulations governing the Act against the Laundering of Money or Other Assets, Governmental Decision No. 118-2002 of the President of the Republic, state:

"Article 32. Imposition of penalties. Penalties for violation by the mandated persons of any of the provisions of the Act shall be imposed by the Banking Commission. For this purpose, the Banking Commission shall define the parameters to be taken into account in determining the gravity of the violation and in imposing the appropriate penalty.

"Article 33. Procedure for the imposition of penalties. When the Banking Commission, through the Inspectorate, detects a violation, it shall give a hearing to the mandated person concerned within a period of 10 days, to enable

the latter to put forward its case and the evidence it wishes to submit in its defence.

"When the time limit has elapsed, whether or not the hearing has been completed, a decision shall be made as the law requires, and shall be notified. The penalties imposed on mandated persons shall not exempt them from complying with the unsatisfied obligation giving rise to the penalty, within the time limit set for that purpose in the decision concerned."

The same authority is conferred on the Banking Commission, through the Special Inspectorate, with regard to the financing of terrorism in accordance with articles 19 and 20 of the aforementioned draft Act for the Prevention and Suppression of the Financing of Terrorism.

1.5 Subparagraph 1 (c) of the resolution requires States to freeze without delay the funds or other economic resources of persons or entities who commit, attempt to commit, participate in or facilitate the commission of terrorist acts. In its second report (page 4), Guatemala indicated that the freezing of funds is done by a judge at the request of the Public Prosecutor. Where there is *periculum in mora* (danger of delay), the freezing is done by the Prosecutor General. A judge or court, however, must confirm such an order, immediately. The CTC would appreciate receiving an indication of whether Guatemalan authorities are empowered to freeze assets of persons and entities involved in terrorist acts at the request of other States.

Effectiveness of counter-terrorism machinery

1.6 Guatemala indicated in its third report (page 7) that it has ratified 10 of the international conventions and protocols against terrorism, and that their implementation is being taken into consideration in the draft anti-terrorism act and the draft act for the prevention and suppression of the financing of terrorism. The CTC would be grateful to receive an outline of the relevant provisions of the two draft acts and a progress report on their enactment.

Reply of the Government of Guatemala

A summary of the draft Anti-Terrorism Act follows. Due to the recent change of government and to the reorganization of the agencies responsible for security, the draft is still being processed within the Ministry of Foreign Affairs and has not been submitted to the legislature.

The purpose of the draft Act is to punish severely all acts of terrorism since they are considered crimes against humanity with major impact on society, represent a threat to national and international security, destabilize legitimately established Governments, undermine society and have adverse effects on the social and economic development of democratic States.

The draft anti-terrorism act is composed of a body of norms to ensure prevention of acts of terrorism, maintain strict security controls through the establishment of the National Council for Counter-Terrorism Security, whose membership and functions are aimed at the prevention and control of terrorism, with the support of its Executive Secretariat, which has also been established, and the cooperation of State bodies and agencies.

The structure of the draft act is described as follows:

Title I
Legal regime governing the Act

General provisions

Title II
Purpose and definitions

(a) Terrorism
(b) Financing of terrorism
(c) Terrorist activities
(d) Support
(e) Acts of terrorism
(f) Terrorists
(g) Terrorist groups
(h) Informants

Title III
Offences and penalties for terrorist crimes that affect the constitutional order and public order

- Crimes affecting the constitutional and public order
- Terrorist groups
- Illegal use of information
- False alarms

Crimes against land, maritime and air security

- Acts against persons, transportation and facilities
- Use of prohibited or restricted areas
- Illegal construction, concealment and operation of landing strips
- Illegal construction, concealment and operation of mooring sites

Financing of terrorism

- Financing of terrorism
- Special cases of financing of terrorism
- Financial institutions
- Tracking of financial transactions concerning terrorism

Customs and migration

- Illegal entry
- Contracting
- Misrepresentation
- Special cases of customs fraud
- Special cases of smuggling through customs

Use of weapons, munitions and explosives

- Weapons, munitions and explosives
- Control of chemical and biological agents
- Control of nuclear and radiological agents

Aggravating circumstances

(a) Aggravating circumstances

Title IV
Special provisions and their application

National Council for Counter-Terrorism Security

- Establishment
- Membership
- Functions
- Crisis management committees

Executive Secretariat of the National Council for Counter-Terrorism Security

- Establishment
- Requirements
- Regulations
- Budget

Inter-institutional cooperation

- Cooperation

Procedures

- International legal assistance
- Informal assistance
- Criteria of expediency
- Confiscation
- Criminal proceedings

Regimes for the application of the offences covered by the Act

- Informants
- Reformed terrorists
- Scope of the investigation

Cooperation between States

- Mutual legal assistance
- Early warning
- Exchange of information
- Competence of judges
- Supervision of handing over of persons
- Extradition
- Refugee status

- Enforcement of sentences
- Asylum

Precautionary measures

- Prohibition of the application of alternative measures

Derogations and final provisions

1.7 In its third report (page 33) Guatemala indicated that the Convention for the Suppression of Unlawful Acts against the Safety of Maritime Navigation and the Protocol for the Suppression of Unlawful Acts against the Safety of Fixed Platforms Located on the Continental Shelf are intended to be submitted to the Congress of the Republic for approval. The CTC would appreciate a progress report on the ratification of these international instruments as well as the enactment of legislation and other necessary arrangements to give them effect under Guatemalan domestic law.

Reply of the Government of Guatemala

Regarding the ratification process for the Convention and the Protocol, the respective measures have been taken to send them to the Office of the President, which in turn will submit them to the Congress of the Republic for adoption.

Effectiveness of customs, immigration and border controls

1.8 Effective implementation of paragraph 2 (g) of the resolution requires States to prevent the movement of terrorists by effective border controls. Guatemala indicated in its first report (at p. 12) that there are under-monitored areas along its border that allows unofficial cross-border movement of persons. The Counter-Terrorism Committee would be grateful to receive an outline of measures Guatemala intends to take in order to ensure that terrorists do not move across its borders.

Reply of the Government of Guatemala

With a view to taking concrete steps to coordinate bilateral cooperation in the area of monitoring and control, the Governments of Guatemala and Mexico have signed a memorandum of understanding on the establishment of the High-Level Border Security Group (GANSEF) in order to secure their shared border. The Group was established on 11 October 2002. Its work plan includes activities in the areas of immigration, human rights and border matters, international terrorism, organized crime and judicial cooperation, and public safety.

The following summarizes the structure and functioning of GANSEF:

Structure

The general coordinator of GANSEF for Guatemala is the Ministry of the Interior and, for Mexico, the Secretary of the Interior.

Objectives

To prevent, along the two countries' shared air, sea and land borders: shipments of arms and ammunition; drug trafficking and related crimes; illicit

trafficking in persons, goods and services; the transfer of species of flora and fauna or items relating to cultural heritage; activities related to international terrorism; and any other dangerous activities which could give rise to violence.

Make the border zone a secure area with development possibilities through cooperation to protect persons and property, human rights and the environment.

Ongoing exchange of information on progress and experience on security-related matters so that the border region will be a secure area with development potential.

Coordinate the development of measures to improve security in the issuing and quality of identity and travel documents, in order to avoid the falsification, alteration or illicit use of such documents.

Strengthen customs controls in the legally established exit ports between both countries, whether land, sea or air, in order to ensure that international shipments of arms, ammunition, explosives and sensitive materials have point of origin and final destination documentation.

Work plan

1. Migration and human rights policies
    - 1.1 Migration
    - 1.2 Human rights
    - 1.3 Farm workers
2. International terrorism
3. Organized crime
    - 3.1 Drug-related activity
    - 3.2 Arms transfers
    - 3.3 Transfers of species and cultural heritage
    - 3.4 Transfers of vehicles
    - 3.5 Seizures at border points.
4. Public safety
5. Customs
    - 5.1 Trade-related matters
    - 5.2 Corruption

GANSEF Subgroup II, responsible for matters relating to international terrorism, has been instructed to develop a bilateral project on a general protocol on coordinated security operations at official and unofficial border crossing points and to submit that project for consideration at the High-Level Group plenary as soon as it has been completed.

In addition to the work of GANSEF, in another forum, the VIIIth meeting of Mexico-Guatemala Binational Commission, the delegations of Guatemala and Mexico agreed to add security issues to their agenda, with a view to increasing cooperation in dealing with border issues such as terrorism, transnational organized crime (including youth gangs, or "maras"), which require a coordinated and comprehensive approach.

They agreed to develop a bilateral programme for the prevention of terrorism which would include efficient exchange of information and early warning measures in order to ensure an appropriate response on the part of the authorities of both countries to terrorism-related incidents.

They reiterated their desire to strengthen joint cooperation for the purpose of effectively combating drug trafficking, organized crime and human trafficking. They also made a commitment to establish mechanisms for exchange of information between the authorities of both countries and to undertake joint actions to combat those crimes.

They expressed concern at the continued violence and drug trafficking along their common border and declared their determination to combat crime in that region. To that end, they will modify current cooperation mechanisms with a view to coordinating activities and adopting any measures required by the situation.

1.9 In the context of paragraph 2 (g) of the resolution, please outline legal provisions that govern the granting of citizenship in Guatemala.

Reply of the Government of Guatemala

Adult Guatemalans 18 years of age or more are considered to be citizens.

The procedure for obtaining Guatemalan nationality through naturalization is clearly explained in the Nationality Act, Decree No. 1613 of the Congress of the Republic.

The Nationality Act outlines two different processes for obtaining Guatemalan nationality: for individuals from Central America and Belize, and for nationals of all other countries. In both cases, the process is an individual one.

Procedure for obtaining Guatemalan nationality for citizens of the Central American countries and Belize

Guatemalan nationality may be requested in a written petition submitted to the Ministry of Foreign Affairs. Upon receipt of the petition, the documentation is reviewed and the petitioner is notified that he must confirm his request and comply with any additional requirements if the petition is not complete. Subsequently he is granted a hearing at the Office of the Attorney General of the Nation.

Based on the response of the Department of Judicial Affairs of the Directorate General for Judicial Affairs, International Treaties and Translations of the Chancellery and on the decision of the Office of the Attorney General, the Ministry of Foreign Affairs takes a decision on the petition and notifies the petitioner of the result.

Requirements for processing a request for the granting of citizenship

1. The petition must contain the full family and given names of the petitioner, his age, nationality, marital status, profession or position, and mailing address.

2. The petitioner must be of legal age and the request is personal. The petitioner may not be represented by a third party and only persons of sound mind and body may make a request.

3. Citizens of a Central American country must base their request to be declared a citizen of Guatemala on article 145 of the Political Constitution of the Republic.

4. Citizens of Belize must base their request to be granted Guatemalan citizenship on transitional article 19 of the Political Constitution of the Republic.

The following documents must be provided with the petition:

1. Foreign resident certificate, issued by the Directorate General for Migration, which expressly indicates that the individual is currently registered, or a certificate issued by the Directorate to that effect.

2. Foreigner's certificate of domicile, issued by the appropriate civil registry.

3. National identity card, issued by the embassy or consulate of the country of origin.

4. Valid foreign passport.

5. A certificate issued by the Supreme Court of Justice of Guatemala stating that the petitioner has no criminal record.

6. A certificate issued by the Directorate General of the National Police of Guatemala stating that the petitioner has no police record.

7. A duly notarized certificate provided by the authorities of the country in which the petitioner resided during the previous five years, stating that the petitioner has no police record.

8. Proof of sufficient means for his subsistence.

9. Except in cases of an exemption granted on the basis of international reciprocity, proof of payment of the annual tax on foreigners (Directorate General of Migration).

Procedure for obtaining Guatemalan nationality through naturalization

Individuals who are not citizens by birth or origin of the other countries of the Central American Federation (Costa Rica, El Salvador, Honduras, Nicaragua), or Belize or covered by international treaties to which Guatemala is a party, must submit a request for Guatemalan nationality through naturalization.

A request to become a naturalized Guatemalan citizen must be made to the departmental governments, which shall be responsible for seeing the process through to the end. Once a request is complete the departmental government which received the request transmits it to the Ministry of Foreign Affairs. An incomplete file will be returned to the departmental government in question to be completed. Once the file is complete, a hearing is granted by the Office of the Attorney General of the Nation.

Based on the recommendation of the Ministry of Foreign Affairs and the decision of the Office of the Attorney General of the Nation, the file is transmitted to the General Secretariat of the Presidency of the Republic, to be considered by the President, who takes a decision on whether or not to issue an order granting

Guatemalan citizenship by naturalization to the petitioner. Once a decision has been taken, it is published in the Official Gazette.

The governmental decision itself does not grant Guatemalan citizenship through naturalization, because citizenship must be conferred in a special ceremony organized by the Ministry of Foreign Affairs at which the petitioner first renounces his foreign citizenship and swears loyalty and allegiance to Guatemala. Upon the granting of citizenship, the new Guatemalan citizens are provided with documents certifying their citizenship and with the corresponding attestations to have their names removed from the registry of resident foreigners and added to the civil registry as naturalized Guatemalan citizens.

Requirements for processing a request

1. The petitioner must be registered as a resident foreigner, which implies that he or she holds a valid permanent resident visa issued by the Directorate General of Migration.

2. The petitioner must have been a resident foreigner for at least five years preceding submission of the request, and must not have left the national territory during that period for more than six consecutive months or periods which, taken together, add up to a year or more.

3. The petitioner must be of legal age and the petition is personal. He may not be represented by a third party and only individuals of sound mind and body may submit a request.

Requirements for the petition

1. The petition must be submitted to the governor of the department in which the petitioner is domiciled.

2. It must include the family and given names, in full, of the petitioner, his age, nationality, marital status, profession or position and a current mailing address.

3. He must indicate the legal basis for his request, in particular, article 146 of the Political Constitution of the Republic and the appropriate paragraph of article 33 of the Nationality Act.

The following documents must be provided with the petition:

1. Foreign resident certificate, issued by the Directorate General of Migration, which expressly indicates that the individual is currently registered, or a certificate issued by the Directorate General to that effect.

2. Foreigners' certificate of domicile, issued by the respective Civil Registry.

3. Citizenship card, issued by the embassy or consulate of his country of origin.

4. Valid foreign passport.

5. Certificate issued by the Supreme Court of Justice of Guatemala stating that the individual has no criminal record.

6. Certificate issued by the Directorate General of the National Police of Guatemala stating that the individual has no police record.

7. A duly notarized certificate provided by the authorities of the country in which the petitioner resided during the last five years, stating that the petitioner has no police record.

8. Record of border crossings issued by the Directorate General of Migration proving that the petitioner has not been absent from the country for a greater period of time than that set out in article 33 of the Nationality Act.

9. A certificate proving that he has a profession, skill or position which affords him a decent standard of living.

10. The names of three persons ready to sponsor him, in accordance with the provisions of the Nationality Act.

11. Except in cases of exemption based on international reciprocity, proof of payment of the annual tax on foreigners (Directorate General of Migration).

Other steps to be carried out by the departmental government

1. Test the petitioner's knowledge of the Spanish language and civic duties. The language exam shall be of a practical nature, in order to establish whether the individual can understand, speak and write Spanish; the civics examination will be on the basic geography and history of Central America and general knowledge of the Political Constitution of the Republic of Guatemala.

2. Request that the Directorate-General of the National Civil Police investigate and report on whether the petitioner has been of good conduct and has a profession, skill or position which affords him a decent standard of living.

Order publication of the petition three times in a period of 30 days in the Official Gazette and another widely circulated newspaper.

Controls to prevent the supply of weapons to terrorists

1.10 Effective implementation of subparagraph 2 (a) of the resolution requires States, inter alia, to eliminate the supply of weapons to terrorists. Guatemala stated in its third report (page 6) that the draft amendments to Decree-Law 39-89 on arms control are still being processed by the legislature, and that moves are under way to improve the control provisions of the amendments. The CTC would be grateful to have an outline of the draft amendments to Decree 39-89 and a progress report on its enactment.

1.11 The CTC is aware that Guatemala may have covered some or all of the points in the preceding paragraphs in reports or questionnaires submitted to other organizations involved in monitoring international standards. The CTC would be content to receive a copy of any such report or questionnaire as part of Guatemala's response to these matters as well as details of any efforts to implement international best practices, codes and standards which are relevant to the implementation of the resolution.

2. **Assistance and guidance**

2.1 The CTC wishes to emphasize once more the importance which it attaches to the provision of assistance and advice in connection with the implementation of the resolution.

2.2 The CTC's Directory of Assistance (www.un.org/sc/ctc) is frequently updated to include new relevant information on available assistance. The Committee again encourages Guatemala to let it know if there are areas in which assistance or advice might be of benefit to Guatemala in its implementation of the resolution of any areas in which Guatemala might be in a position to offer assistance or advice to other States on the implementation of the resolution.

2.3 The Committee reiterates its desire to maintain and develop the constructive dialogue, which it is already engaged in, with the Government of Guatemala. If the Government of Guatemala believes that it could benefit from discussing aspects of the implementation of the resolution, including the provision of assistance, with the CTC's experts, including the CTC's assistance experts, it is welcome to contact them as mentioned in paragraph 3.1 below.

2.4 The CTC notes that the Government of Guatemala has requested assistance in connection with the implementation of the resolution in the following areas:

Counter-terrorism legislation
Financial law and practice
Customs law and practice
Extradition law and practice
Police and law enforcement work
Illegal arms trafficking

2.5 As regards Guatemala's request for assistance to the CTC, the CTC's Technical Assistance Team notes that Guatemala has received technical assistance in legislation drafting and its further requests for assistance and advice have been circulated to other potential assistance providers which are in a position to provide assistance. The CTC also notes that its Technical Assistance Team has met with a representative of the Government of Guatemala to discuss these potential sources of assistance and advice.

2.6 Further as regards Guatemala's need for assistance in the area of Anti-Money Laundering and Combating the Financing of Terrorism (AML/CFT), the CTC points out that the Government of Guatemala may request technical assistance directly from the IMF/World Bank joint AML/CFT programme. In particular, such assistance may include the drafting of legislation relating to AML/CFT, including cases where the Government of Guatemala already has draft legislation and wishes it to be reviewed for compliance with resolution 1373 and the provisions of the International Convention for the Suppression of the Financing of Terrorism.

The Government of Guatemala may take advantage of the benefits of this programme by writing directly to the IMF, preferably by e-mail, or by fax, requesting technical assistance addressed to:

The International Monetary Fund
700 19th St. N.W.
Washington, D.C. 20431

With respect to AML/CFT matters, in particular, strengthening financial sector supervision:

Mr. R. Barry Johnston
Assistant Director
Monetary and Exchange Affairs Department
E-mail: bjohnston@imf.org
Fax: 202-623-7830

With respect to legislative and legal issues, including operation of a financial intelligence unit:

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2.7 At this stage of its work, the CTC will focus on requests for assistance that relate to Stages "A" and "B" matters. However, the assistance to be provided by one State to another on any aspect of the implementation of the resolution is a matter for agreement between them. The CTC would be grateful to be kept informed of any such arrangements and on their outcome.